



# plain English n :

(sometimes referred to more broadly

➔ ISSUE NUMBER 1

## PRACTICE PLAIN ENGLISH

as plain language) is a generic

term for communication in English

that emphasizes clarity, brevity,

and the avoidance of technical

language — particularly in relation

to official government or business

communication



# Zoning Codes in Plain English

By Benjamin K. Noble

Many zoning codes are written in a traditional legal style often referred to as *legalese*.

Joseph Kimball, a legal writing expert, describes this type of writing as “a stew of all the worse faults of formal and official prose, seasoned with the peculiar expressions and mannerisms that lawyers perpetuate” (2005). Sadly, zoning codes frequently contain sentences like this:

Except as otherwise specified herein, no building or structure shall be constructed, established, renovated, or rehabilitated in such a manner by any person or his/her designee such that the building or structure results in a height of greater than fifteen (15) feet as measured from natural grade directly below the building or structure.

This sentence is an exercise in frustration. The good news is that legalese is not a requirement. Planners and zoning professionals can draft regulations in plain English, a style of writing that uses the most economical, familiar, and precise language to communicate our ideas.

According to the Plain Language Action and Information Network (PLAIN), plain English aims to maximize readers’ ability to find what they need, understand what they find, and use what they find to meet their needs. Plain English documents are organized in a consistent and logical way, with familiar words and simple sentences that maximize reader comprehension. By extension, a plain English zoning code is easily understood by all users, including residents, applicants, planners, and local officials.

In the United States, legal writing and legislative drafting in plain English has entered the mainstream. At the federal level, the Plain Writing Act of 2010 requires federal agencies to write all publicly distributed documents in a “clear, concise, well-organized” manner. Separate ex-

ecutive orders require federal regulations to be “simple and easy to understand” and written in “clear language.” Meanwhile, individual states, including Florida and New York, have also adopted similar plain English requirements.

This article discusses a series of key plain English principles for planners and zoning professionals to apply in code writing. Many of these principles fall into five general categories: (1) organization, (2) wayfinding, (3) sentence

business owner may need to know if she can establish her business in a specific location, or a home owner might want to check if an addition is allowed. Zoning codes need to be organized so that it is easy for readers to find answers to common questions.

## Organize Content in an Intuitive Way

If you are preparing a comprehensive zoning code update, outline the code based on an obvious system for what goes where. This system should guide a comprehensive zoning code update as well as future amendments to the code.

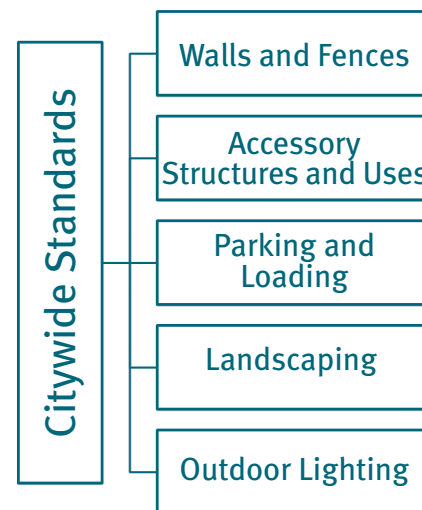
Here’s an example of an intuitive organization for a zoning code that helps readers easily find what they are looking for:

- **Part 1: Purpose and Enactment**—Describes the zoning code purpose and presents the zoning districts and other key contents.
- **Part 2: Zoning Districts**—Establishes standards unique to individual zoning districts.
- **Part 3: Citywide Standards**—Establishes standards for all zoning districts, such as parking, landscaping, and signs.
- **Part 4: Permits and Administration**—Describes requirements for issuing permits and administering the code.
- **Part 5: Glossary**—Defines specialized terms.

## Put More Frequently Used Information Up Front

Organize zoning codes so that frequently referenced information is found at the beginning of the code. Less frequently referenced material, such as administrative provisions and definitions, should go toward the end.

This principle applies at all levels of a zoning code. Within the section for zone-specific regulations, start with the zones that apply to the greatest number of properties, usually the residential zones. Zones that apply to fewer properties should go later. Similarly,



Graphics by the American Planning Association

- ➔ Each part of the code should be grouped in an intuitive manner. For example, citywide standards should be colocated and grouped by subject.

length, (4) sentence structure, and (5) word choice. Using these principles, we can lift the fog of legalese and craft zoning regulations that are clear, concise, and useful for all readers.

## ORGANIZATION

Most readers open a zoning code to find answers to specific questions. For example, a

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### About the Author

Benjamin K. Noble is a city planning consultant based in the San Francisco Bay Area. He specializes in preparing zoning codes and development regulations based on plain English principles.

put general and broadly applicable information before the specific. For example, begin a sign chapter with rules that apply to all or most signs. Rules for specific types of signs or special circumstances should go later, and administrative and penalty provisions should always go at the end.

### Put Rules Before Exceptions, Conditions, and Qualifiers

As a general policy, start a sentence with the main idea, and then cover exceptions and conditions. However, the beginning of a sentence might be better for a condition or exception if it is short or needs to be in the beginning to avoid leading the reader astray.

The following sentence has a number of problems, particularly the placement of exceptions and qualifiers before the rule:

New buildings may not be constructed on a lot occupied by a nonconforming building, except as permitted by Section 12.24.040 (Nonconforming Structures in Residential Zones) and Section 18.24.040 (Nonconforming Structures in Commercial Zones).

When related topics are together, readers are more likely to find what they are looking for.

### Group Related Topics Together

The five-part zoning code organization described above helps to keep related topics

preparation and filing before addressing application review and approval procedures.

### WAYFINDING

In addition to the organization of a code, specific devices also help readers find what they are looking for. These include cross-references, headings, and numbering systems.

### Use Cross-References Carefully

Cross-references alert readers to additional relevant information that might be overlooked, eliminate repetition, and help reduce the length of the code. However, cross-references can get out of hand. Too many cross-references confuse readers and generally reduce comprehension.

As a general rule, try to minimize the need for cross-references. You can do this by keep-

## APPLICATION AND REVIEW PROCESS



➔ Present procedural standards in chronological order.

Except as may be permitted in accordance with Title 2 of Divisions 1 and 2 of Part 5 of this Chapter or Divisions 1 and 2 of Part 9 of this Chapter, while a nonconforming building exists on any lot, no other building shall be constructed even though such other building would otherwise be a conforming building.

If we move the rule to the front and clarify the cross-references, the sentence becomes much more comprehensible:

together. When related topics are together, readers are more likely to find what they are looking for. This idea applies within individual parts of the code as well. For example, group chapters related to site design together under Citywide Standards.

### Present Steps in a Process Chronologically

When regulations relate to a process, present materials in the order that the reader will follow them. For example, in a chapter covering permit application and review, discuss application

ing related material together, repeating brief material instead of using a cross-reference, and eliminating unnecessary references. For example, it is fine to simply say that a project requires an encroachment permit, rather than an encroachment permit processed in a manner consistent with Section 24-12.A(1)(b).

When you include a cross-reference, follow these guidelines: Check the referenced material, and be sure the cross-reference is current and correct. Clearly identify the referenced material. Be specific with the sec-

**TABLE 1: APPROPRIATE HEADING LENGTH**

Too Short	Too Long	Just Right
Standards	Standard Relating to Building Height, Setbacks, and Lot Coverage in all Residential Zones	Development Standards in Residential Zones

tion number and include the section heading. Put the cross-reference at the end of the main idea, not in the middle. Don't include multiple cross-references in one section. Don't reference "all other applicable laws and regulations" and the like. Don't include cross-references to a section that contains another cross-reference.

**Include Descriptive Headings**

Headings give readers a sense of the full contents of a chapter or section, increasing comprehension as they work through the material. Use headings at the section, paragraph, and subparagraph levels. All headings need to be specific enough to be useful but also short enough to read in a quick glance. Numerous descriptive headings make it easy for staff to skim the code and for applicants and other readers to understand the range of rules and issues the code covers.

**Use a Simple Numbering System**

In many cases you'll need to follow the existing municipal code numbering system when drafting zoning regulations. Within the established system, it is important to skip chapter numbers to easily accommodate future additions and amendments (e.g., Chapter 10-8 follows Chapter 10-4, which follows Chapter 10-1).

If the zoning code is not integrated with the municipal code, feel free to depart from the existing code numbering system, particularly if it is difficult to follow. Create a new numbering system that is as simple as possible; easy to read, write, and speak out loud; natural in its flow and organization; and able to accommodate new material inserted later.

**SENTENCE LENGTH**

Short sentences are a key aspect of plain English. Eliminate needless words and break up long sentences into easier-to-process units to dramatically improve readability.

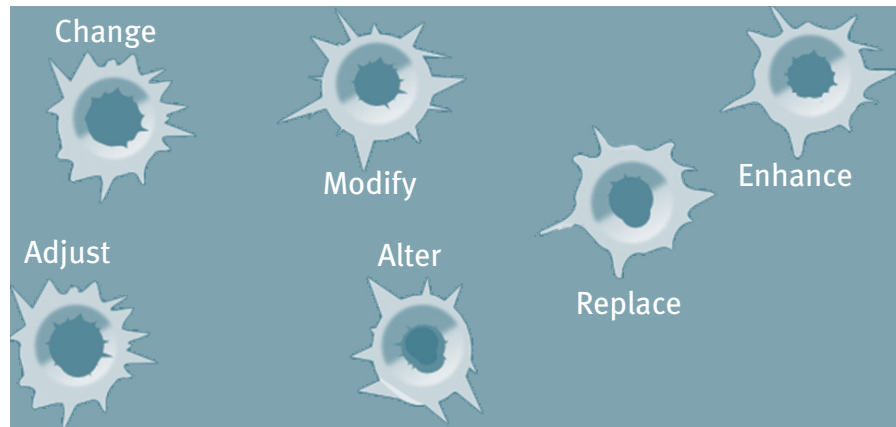
**Keep Sentences Short**

In general, try to achieve an average sentence length of about 20 words. Any sentence more than 40 words is too long. Look for opportunities to delete needless words. Be mindful of

prepositional phrases, redundant words, excess modifiers, hidden verbs, and the passive voice (see Sentence Structure below).

**Use Enumerated Lists**

One way to break up long sentences is to use enumerated lists. Vertical lists help to highlight a series of requirements or other information in a visually clear way. But be careful not to over use vertical lists, resulting in fragmentation of sentences. Use lists to highlight



➡ Many codes use long lists of similar terms in hopes of covering every possible scenario, but this "shotgun" approach is confusing and not likely to add meaningful precision.

important information, not to overemphasize trivial matters.

**TABLE 2: REPLACEMENTS FOR WORDY PHRASES**

Wordy Phrase	Everyday Words
at the point in time	when
by means of	by
during such time as	while
during the course of	during
for the purpose of	to
In accordance with	by, under
In order to	to
in the event that	if
is able to	can
notwithstanding the fact that	although
on a daily basis	daily
on the ground that	because
prior to	before
subsequent to	after
the majority of	most
until such time as	until

**Avoid "Shotgunning"**

"Shotgunning" is the practice of creating a long list of similar ideas in an effort to be precise and cover every possibility. Shotgunning creates sentences that seem precise, but actually are not. Here's an example:

No person may relocate, reconstruct, modify, physically alter, renovate, rehabilitate, recreate, replicate, demolish, or disassemble any portion of the exterior of a historic structure without the approval of a Historic Resource Permit.

If a specific word is needed to address every possible scenario, then surely there is at least one possibility that you have overlooked.

You are much better off to find a single word or phrase to replace list of words:

Any physical change to the exterior of a historic structure requires approval of a Historic Resource Permit.

**Delete Coupled Synonyms**

A coupled synonym is a pair or string of words with the same or nearly the same meaning. Coupled synonyms, such as *any and all* and *full and complete*, often appear in zoning codes. If one word serves as an umbrella term, encompassing the meaning of the other word, use the umbrella term alone. If the words are synonyms, choose the one that best fits your context.

**SENTENCE STRUCTURE**

Sentence structure refers to the way in which words are arranged in a sentence. Careful at-

**TABLE 3: ACTIVE AND PASSIVE VOICE**

Active	Passive
The Planning Commission shall hear the appeal.	The appeal shall be heard by the Planning Commission.
The applicant shall submit the following materials:	The following materials shall be submitted by the applicant:
The City shall give notice at least 10 days prior to the hearing.	Notice shall be given at least 10 days prior to the hearing.

tention to sentence structure produces writing that is easier to read and understand.

**Prefer the Active Voice**

In the active voice, the subject performs the action denoted by the verb. In the passive voice, the word order is changed so that the subject is acted upon by the object.

The active voice should be your default setting when drafting a zoning code. Use the passive voice as a conscious decision, and

The active voice should be your default setting when drafting a zoning code.

only with good reasons. Compared to the passive voice, the active voice requires fewer words, is easier to understand, and reduces ambiguity. However, the passive voice does have its place in zoning codes. You will typically want the passive voice when there is no actor other than the law itself, when the thing that must be done is the clear focus of the sentence, or if the actor cannot be identified or is relatively unimportant. Here are a few examples:

- Alterations to a nonconforming structure are permitted by right if . . .
- Surface parking shall be located to the rear or side of buildings.
- Land shall be used and structures built and occupied only as allowed by the Zoning Ordinance.

**Use Strong Action Verbs**

In many instances zoning provisions may sound abstract and circuitous, even if they are not overly long. This is often caused by base verbs used as nouns (nominalization) and fre-

quent “to be” verbs, such as *is*, *are*, and *were*. It is better to use the simple base form of verbs that directly state what the subject of a sentence is doing. For example, say *apply* rather than *submit an application* and *comply* rather than *be in compliance*. Strong action verbs shorten sentence length and increase reader comprehension.

**Lead with the Subject and Verb**

Readers approach a sentence looking for action. They want to know *who does what* before anything else. That’s why this sentence is such a problem:

The owner of any property, or any other person or agent in control of such property, on which is located any retaining walls, cribbing, drainage structures, planted slopes and other protective devices, required pursuant to a permit granted under this Division or required pursuant to the issuance of a grading permit, shall maintain said retaining walls, cribbing, drainage structures, planted slopes and other protective devices in good condition and repair at all times.

**TABLE 4: SENTENCES IN NEGATIVE AND POSITIVE FORM**

Negative	Positive
Accessory buildings may not have more than one story and exceed more than 16 feet in height	The maximum height of an accessory building is one story and 16 feet.
No use specified in Sections 9267.1.2 through 9267.1.59 shall be permitted.	Uses specified in Sections 9267.1.2 through 9267.1.59 are prohibited.
No sign shall be installed, constructed, or enlarged unless an Administrative Permit is first obtained.	An Administrative Permit is required to install, construct, or enlarge a sign.
The Department will not accept an application form without the signature of the property owner	The Department will only accept an application form with the signature of the property owner.

An easy fix to this sentence is to move the verb (shall maintain) up front with the subject (property owners).

Property owners shall maintain required hillside improvements in good condition at all times. These improvements include retaining walls, cribbing, drainage structures, planted

slopes and other protective devices required by the Zoning Code or grading permit.

In the original sentence the subject and verb are kept apart by examples of hillside improvements that must be kept in good condition. Moving these examples to a separate sentence following the main idea helps keep the subject and verb together and reduces the average sentence length.

**Use the Present Tense**

Zoning codes often slip into the future tense (e.g., “there shall be”). These statements are typically easier to understand in the present tense. Don’t worry about courts interpreting a provision written in the present tense as applying only once and not to future events. A general legal principle is that the law is “constantly speaking,” which means that a provision expressed in the present tense applies to future circumstances as they arise.

**Recast Negative Statements in Positive Form**

Sentences typically are easier to understand when they are in the positive form. Watch out for words with negative meaning, such as *unless*, *without*, and *terminate*, that appear after *no* or *not*. In this situation, find a positive word to express your meaning.

**WORD CHOICE**

It is important to choose individual words with care, and to use these words consistently. Never use obscure words to make your writing

sound more official or serious. In the words of Richard Wydick: “The convenience of the reader must always take precedent over the self-gratification of the writer” (2005).

**Use Familiar Words**

In most cases, short and simple words are best in zoning codes. Try to replace unusual or

**TABLE 5: WORDS OF AUTHORITY**

Word	Function	Example
Shall	to impose a duty	The Zoning Administrator shall determine the completeness of an application using the County's list of required application contents.
May not	To disallow or deny permission	An applicant may not remove the posting before the hearing date.
May	To grant permission or establish authority	The Planning Commission may approve the project if the following findings are made: The applicant should contact all neighbors within the immediate vicinity of the proposed project.
Should	To encourage	If the appellant submits the request in writing, the Planning Commission will continue the hearing to the next available scheduled meeting.
Will	To express a future contingency	

obscure words with more familiar or frequently used ones. But this does not mean you should dumb down your writing. Always use the clearest and most precise word to communicate your idea. It's okay to use an unfamiliar word if it really is superior over other choices.

**Use Words of Authority with Care**

Words of authority express duty, permission, prohibition, discretion, and other similar concepts. For example, use *shall* only to impose a duty. For all other meanings, chose a different word. Table 5 includes other examples of the proper use of common words of authority.

**Use Terminology Consistently**

Always use the same word to express the same meaning. For example, use the term *off-street parking* consistently throughout a zoning code. Don't refer to *off-street parking* in one chapter and *on-site parking* in another unless they really mean something different.

Inconsistent terminology is usually caused by carelessness. Establish preferred terms early on, and stick to them. It can be

helpful to create a reference terminology guide before drafting. Whatever you do, don't deliberately vary your terms to make code language seem more interesting or lively. It's okay to repeat a word in a sentence if it is the right word and repeating it will avoid confusion.

**As a general rule,  
words in a zoning  
code should not differ  
without reason from  
words used in ordinary  
English.**

**Don't Be Afraid of Pronouns**

Zoning codes are more readable when you use pronouns. However, it's best to stay away from "you" and "we." Plain English purists argue that these pronouns speak more directly to the reader, simplify language, and clarify responsibilities. But zoning codes address more than one audience, and "you" and "we" would have multiple meanings depending on the context.

**Eliminate Legal Jargon**

As a general rule, words in a zoning code should not differ without reason from words used in ordinary English. Table 6 shows some plain English words that can replace unnecessary legalism in zoning codes.

**OTHER CONSIDERATIONS**

There are many other dimensions to a well-written zoning code beyond the principles described above. For example, be sure to always

capitalize consistently and punctuate carefully. Try to minimize acronyms, prefer numerals over words (2,000 instead of two thousand), and eliminate word-numeral doublets. Prepare a style sheet with rules for all of these details, and follow them consistently.

A lot can also be said about document design, the use of tables, and graphics in zoning codes. At a minimum consider the following:

**Document Design**

Carefully lay out your document to be easy on the eyes. Use a plain font, a type size of 10 to 12 points, and a single column of text on a page. Leave white space on the page by using bullets, frequent headings, and the like. Use color sparingly.

**Tables**

Use tables frequently to present information. Always put land-use regulations and basic development standards in tables. Look for opportunities to put other complex information in table format, as well as series of short, repetitive sentences.

**Graphics**

Use graphics in a zoning code to clarify standards, increase accessibility, and illustrate intent. Graphics should appear as part of a single family, with consistent font type and size, line weight, color, and size. Ensure that graphics do not conflict with any standards, and try to reflect typical local development and architectural styles.

**BEING AN ADVOCATE FOR PLAIN ENGLISH**

In concept, everyone supports zoning codes that are clear, concise, and easy to understand. In practice there can be some resistance to some aspects of plain English. Concerns with plain English can include the following:

- Plain English is imprecise and incapable of addressing complicated ideas.
- Plain English is undignified, informal, and inappropriate for legal writing.
- Legal writing requires many specialized words and phrases that are incompatible with plain English.

Empirical evidence has consistently shown that these concerns are unfounded. But these myths do persist, particularly among attorneys who are more familiar with traditional styles of legal writing.

**TABLE 6: PLAIN ENGLISH WORDS**

Legalism	Plain English Equivalent
herein	in this [section, etc.]
in the event that	if
not less than	at least
prior to	before
pursuant to	under, by in accordance with
said (adjective)	the, this, that
same (pronoun)	it, them
subsequent to	after
such	that, this, those, the
thereafter	later
thereof	
therein	in it, in them, inside
wherein	

To address these concerns, begin by talking with your colleagues about the advantages of plain English in legal writing. Provide concrete examples of how it increases precision and effectively addresses complex ideas while increasing readability. Beyond efforts to overcome resistance from individual colleagues, there are a number of ways you can actively promote a culture of plain English in your organization.

(1) Begin a zoning code update process by identifying plain English as a guiding principle for the project. Receive buy-in and support from elected and appointed officials at the start of the process. (2) Actively collaborate with your city attorney. Enlist his or her help in crafting language that fully addresses all of the legal issues in a manner that is as easy to understand as possible. (3) Form a plain-English working group within your organization.

Periodically review others work and discuss how it conforms to plain English principles. (4) Become a member of a plain English organization. (5) Maintain a library of plain English materials in an accessible location within your organization.

Go forth and simplify!

## PLAIN ENGLISH RESOURCES

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IS YOUR COMMUNITY'S  
ZONING CODE FLUENT IN  
PLAIN ENGLISH?

